

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

**THE STATE OF TENNESSEE; THE
STATE OF ALABAMA; THE STATE OF
ALASKA; THE STATE OF ARIZONA;
THE STATE OF ARKANSAS; THE
STATE OF GEORGIA; THE STATE OF
IDAHO; THE STATE OF INDIANA;
THE STATE OF KANSAS; THE
COMMONWEALTH OF KENTUCKY;
THE STATE OF LOUISIANA; THE
STATE OF MISSISSIPPI; THE STATE
OF MISSOURI; THE STATE OF
MONTANA; THE STATE OF
NEBRASKA; THE STATE OF OHIO;
THE STATE OF OKLAHOMA; THE
STATE OF SOUTH CAROLINA; THE
STATE OF SOUTH DAKOTA; THE
STATE OF WEST VIRGINIA,**

Plaintiffs,

—and—

**ASSOCIATION OF CHRISTIAN
SCHOOLS INTERNATIONAL; A. S., a
minor, by Brandi Scarborough, her mother;
C.F., a minor, by Sara Ford, her mother;
A.F., a minor, by Sara Ford, her mother,**

Intervenor-Plaintiffs,

v.

**UNITED STATES DEPARTMENT OF
EDUCATION; MIGUEL CARDONA, in
his official capacity as Secretary of
Education; EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION;
CHARLOTTE A. BURROWS, in her
official capacity as Chair of the Equal
Employment Opportunity Commission;
UNITED STATES DEPARTMENT OF
JUSTICE; MERRICK B. GARLAND, in
his official capacity as Attorney General of**

Case No. 3:21-CV-00308-CEA-DCP

Declaration of A.S. In Support of Motion to Intervene

the United States; **KRISTEN CLARKE**, in
her official capacity as Assistant Attorney
General for Civil Rights at the United
States Department of Justice,

Defendants.

**DECLARATION OF A.S.
IN SUPPORT OF MOTION TO INTERVENE**

I, A.S., under penalty of perjury, declare as follows:

1. I am a seventeen-year-old resident of Paragould, Arkansas, in Greene County, and have personal knowledge of the information below.

2. I am a senior and female athlete at Brookland High School in Brookland, Arkansas, where I compete on the women's soccer team.

Athletics Background

3. Sports is an important part of my family life. Both of my parents were athletes. My mom played basketball, and my dad played football. My brother is also an athlete.

4. But rather than shoot hoops or score touchdowns, I score goals.

5. Soccer has been a life-defining pursuit. I first kicked a soccer ball in first grade, after joining a free community youth team called City Stars Recreational Soccer. Later, I competed on a local recreational team through Greene County Soccer Association. Though these early teams were sometimes co-ed up through sixth grade, by seventh and eighth grade, the recreational leagues had shifted to girls-only and boys-only teams.

Competing in High School Sports

6. In Brookland Public Schools, the girls' high school soccer team is comprised of girls from grades nine through twelve.

7. Soccer team positions are limited based on an individual's athletic ability as demonstrated during tryouts.

8. There are 11 players per team (22 players total) on the soccer field at any given time, though the team may have many more players watching from the sidelines. Those 11 starting positions on the soccer field are highly coveted and competitive. I have had the privilege of being a starter beginning in my freshman year.

9. Soccer players are grouped into four positions:

- a. the front, or attacking positions, which are called strikers;
- b. the midfielder positions;
- c. the defender positions; and
- d. the goalie.

10. I typically start as a right wing defender position, which is also called a right fullback. As the game progresses and players get tired, we move around as needed. Sometimes I play other midfielder and defender positions. In the past, I've even played some offense.

11. Our girls' soccer team typically has both a junior (eleventh grade) captain and a senior (twelfth grade) captain. Last year during the 2020-21 school year, I had the privilege of being elected as the junior captain of my soccer team. This is a leadership position that has responsibilities which include leading warmups before practices and games, talking to referees, and serving as liaison between players and coaches.

12. The soccer season generally runs from the end of February through May and culminates in a state tournament. Because of my team's dedication and hard work, I am proud that my high school soccer team has made it to the state tournament every year of my high school career thus far except for one (2020),

which was cancelled due to the COVID-19 pandemic.

13. I have also been honored to win individual awards for my soccer performances. For example, my freshman year, I won the Workout Award for demonstrating a good attitude in the weight room and trying hard. My junior year, I won an All-Conference Award (an award voted on by coaches in our conference based on the athlete's performance in conference), a team Defender of the Year award (from my school), and a 4A All-State Tournament award (from my coach).

14. I love playing soccer. Not only is it a demanding, active sport that pushes me to give my all, but I also appreciate the teamwork that it requires to achieve a win. Every girl has to play her part.

15. We generally train an average of two-and-a-half to three hours per day, five days a week in season (with the exception of game days). We run long distances, short sprints, scrimmage, practice ball handling, and lift weights in training.

16. Being a female athlete is not easy. It requires significant sacrifice—both personally, and for my family—for me to compete at the high school level. I have sacrificed personal time with friends and family. I have sacrificed sleep, as I stay up late after a game to finish homework. And my family has made significant time and financial sacrifices so that I can compete.

17. But I make these sacrifices because I want to be the best that I can be at my sport, and help my teammates win.

18. Competing in soccer has shaped me significantly as a person. It has taught me responsibility and time management, as I juggle a high school study schedule with practice and games. It has provided opportunities to learn teamwork and leadership, how to identify our goal and work with others to achieve that goal. It has taught me perseverance through fatigue and even tough conditions (like

inclement weather). It has helped me grow in self-confidence and communication skills. It helped me forge strong relationships with my teammates as we process life together. It has taught me how to lose gracefully and come back stronger, as well as how to win with humility.

19. As a senior, I am currently being recruited by college soccer coaches, including those in other states. I have not yet decided where I will attend college, but I am currently looking to attend a state school. Athletic scholarship offers would certainly play a key role in my decision of where to attend college. But I know that girls' athletic scholarships are limited and competitive.

Males Competing in Girls' Sports: Fairness & Safety

20. Early this year, I began to hear about males competing in girls' sports. I later learned about female track athletes in Connecticut and elsewhere who lost to males competing in their races. It was shocking to me that this could happen.

21. The whole idea of facing male competition in my sport is incredibly discouraging.

22. I work very hard to be competitive in soccer. And I am honored to have achieved a starting position on the field, earned a leadership position on my team, and competed in several state tournament competitions. But the idea of facing a person with inherent physical advantages over me takes both the fun and the fairness out of it.

23. Soccer is a rough contact sport—even in high school—and injuries are common among female athletes.

24. Most commonly, I have observed my fellow athletes sprain ankles, injure knees, break wrists, and receive concussions while playing soccer. I have personally had my share of ankle and wrist injuries from playing my sport.

25. Playing a rough contact sport against other girls is one thing. But

playing a rough contact sport against a male is an entirely different matter.

26. Brookland High School has a boys' soccer team that my girls' team regularly scrimmages against for practice. Even though the boys' team holds back a little in those scrimmages, they still dominate us girls.

27. Even in my experience playing three-on-three recreational soccer through Kick It 3v3, my all-girls team was crushed by an all-boys team. We didn't stand a chance.

28. And this makes sense. Males generally have advantages of size, speed, strength, and stamina in soccer. I have also noticed that they tend to have better ball control. They possess the ball less because they kick the ball harder and further. Their bigger frames are more effective and aggressive in blocking. They run faster. And they commonly play more physically.

29. I feel intimidated at the idea of playing soccer against males. I don't want to be hurt. And that would take the fun out of my sport.

30. But even beyond safety, it simply is not fair to force us girls to play against a male who has inherent physical advantages over us. It takes the fairness out of our sport.

Protecting Girls' Sports

31. That's why I was thankful to hear that Arkansas had passed a law to protect women's sports.

32. I have always understood that Title IX was designed to protect female athletes by keeping the fairness and the fun in our sport.

33. I fear that, without Title IX or Arkansas's sports law, girls will be replaced on girls' sports teams by individuals who have spots of their own on a co-ed or boys' team—and we girls would once again be left behind.

34. No male individual should be allowed to take opportunities away from

EXHIBIT A

Declaration of A.S. In Support of Motion to Intervene

female athletes, whether that is a position on the field, a leadership position, a championship opportunity, or a scholarship opportunity.

35. Getting involved in this lawsuit was a weighty decision that I took very seriously. But I want to ensure that I am not faced with the tough decision of competing on an unfair playing field with heightened safety risks, or not competing at all.

36. And I took this step not only for me, but for other female athletes as well. I want to ensure that other female athletes have the opportunity to enjoy the same athletic experiences that have shaped me into the person I am today.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

A [REDACTED] S [REDACTED]
A [REDACTED] S [REDACTED]